REMARKS/ARGUMENTS

The Office Action mailed November 17, 2005 has been received and the Examiner's comments carefully reviewed. The Office Action rejected claims 1-20. Claims 1-15 and 17-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klassen et al (U.S. Patent No. 6,711 ,137) (hereinafter Klassen) in view of Dillon et al (U.S. Patent No. 6,473,793) (hereinafter Dillon). Claims 16 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Klassen in view of Dillon as applied to claims 1 and 11, and further in view of Toporek et al (U.S. Patent No. 6,654,344) (hereinafter Toporek). Claims 1-3, 6-14 and 19-20 have been amended. No new subject matter has been added. For at least the following reasons, Applicants respectfully submit that the presently pending claims are in condition for allowance.

Claim Rejections

With regard to Claim 1 the Office Action states that Klassen does not "explicitly teach that automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention." The Office Action argues that Dillon "explicitly teach that automatically tuning the size of the TCP receive window based on the determined bandwidth, wherein automatically tuning the size of the TCP receive window comprises setting the size of the current TCP receive window without manual intervention (figures 1 and 14; column 9 lines 39-67; column 10 lines 20-43; column 11 lines 23-35; column 16 lines 8-36; column 21 lines 26-32; and column 22 lines 1-3)." The Office Action further argues that "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Dillon et al as stated above with the method

and system of Klassen et al for automatically tuning a size of a TCP receive window because it would have minimized the system bottleneck and provided efficient way of managing the transmission of information in the network." The Applicants respectfully disagree.

Dillon is directed at dynamically allocating and enforcing bandwidth on a network at a hybrid gateway that is located between a source computer and requesting terminals (See column 2, lines 5-17). Dillon does not actually adjust the size of the TCP receive window. Instead, Dillon adjusts the advertised window size of the TCP packet (See column 9, lines 39-67) after the packet has already been sent. This modification to the packet is performed on a separate computing device from the device that sent the packet.

Column 9, lines 39-67 of Dillon states "[w]hen the hybrid gateway 150 receives the packet, it strips off the tunneling header, revealing the true header with the application server 140 as the destination. The software within the hybrid gateway 150 identifies the packet sender using the source address in the true header. Based on the identity of the packet sender, their segmented level of service, and collected statistics regarding usage history, the advertised window size of the TCP packet is modified, if necessary, to throttle the user's bandwidth ... After the modification to the advertised window size, the packet is sent back out onto the Internet 128."

Claim 1 of Dillon at column 21 lines 26-32 recites "a third apparatus configured for coupling to the TCP/IP network for controlling throughput of the data from said first apparatus to said second apparatus, wherein said third apparatus automatically controls the throughput in accordance with bandwidth utilization by a user of the second apparatus calculated on a per user

basis." This portion of Dillon clearly indicates that a different apparatus as compared to the device that sent the packet is performing the throttling of the bandwidth.

In contrast, amended Claim 1, recites in part "A computer-implemented method for automatically tuning a size of a TCP receive window on a computing device, comprising: ... automatically tuning the size of the TCP receive window on the computing device based on the determined bandwidth." This is clearly not anticipated, nor obvious, in view of the cited references. Independent Claims 7 and 11 have been similarly amended and are allowable for at least the same reasons.

Conclusion

In view of the foregoing remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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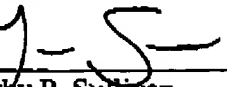

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